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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/864,007 | 05/23/2001 | Arto Lehtonen | 442-010303-US(PAR) | 1869 |
| 7590 | 02/06/2004 | | EXAMINER | |
| Perman & Green 425 Post Road Fairfield, CT 06430-6232 | | | SHARMA, SUJATHA R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | 6 |
| DATE MAILED: 02/06/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,007

Applicant(s)

LEHTONEN, ARTO

Examiner

Sujatha Sharma

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11,13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones [US 6,606,506] in view of Braund [US 6,373,942].

Regarding claims 1,2,13,15, Jones discloses a personal entertainment and communication device having a headset electronically connected to the master unit/communication unit. Jones further discloses a method for transferring audio signals of a call between the mobile station and the headset (see col. 1, line 55 – col. 2, line 20, col. 4, lines 1-49). Jones further discloses a method to transfer files between the master unit/communication unit and the headset (see col. 5, lines 5-65, col. 6, lines 14-60) and a memory means to store these files (see Figs. 2,3 and 4 and col. 3, lines 8-38 and col. 5, lines 6-19, col. 6, lines 14-60). See also background of invention.

Jones however does not disclose a method wherein short-range transceivers are used in the headset and the master/communication unit for wireless communication between the headset and the master/communication unit.

It is well known in the art as taught by Braund to use such short-range transceivers between various devices such as headset and communication unit as a cable replacement technology. See col. 8, lines 26-43.

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use short range transceivers in Jones invention as not only for cable replacement but also enable the user with more flexibility and convenient use of headphones and further to reduce the level of microwave radiation to which the user is exposed, than the ordinary telephone, with the help of short-range transceivers.

Regarding claim 3, Jones further discloses the files to be user files. See background of invention, col. 5, lines 5-65, col. 6, lines 14-60.

Regarding claim 4, Jones further discloses the memory in the headset to be a detachable memory. See Fig. 2, col. 3, lines 24-38.

Regarding claim 5, Jones discloses the headset to comprise of a speaker and a microphone. See col. 1, line 66 – col. 2, line 2.

Regarding claim 6, Jones further discloses a method where the headset comprises a user interface and the master/communication unit is arranged to control the user interface. See col. 3, lines 9-67.

Regarding claim 7,16, Jones further discloses a headset comprising of a multimedia player. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

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Regarding claims 8,14, Jones discloses two earpieces in the headset and as a multimedia player an audio player that is arranged to play music in the earpieces. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

Regarding claims 9,10, Jones further discloses a method wherein the audio player is arranged to play music by decoding a music file which is stored in the head set and further the multimedia player comprising of a number of functions that the mobile station is arranged to control over short-range radio connection. See summary of invention, col. 3, lines 9-38, Figs. 1 and 6.

Regarding claim 11, Jones discloses the communication unit to be a mobile station of a cellular network. See background of invention, col. 3, lines 52-67.

Regarding claim 12, Braund teaches the use of Bluetooth technology for short-range communication between the headset and the mobile communication device. See col. 8, lines 26-43.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Palermo [US 5,771,438] Short-range magnetic communication system

Felsentein [US 6,457,024] Wearable hypermedium system


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Makkonen [US 6,396,935] Headset and method for a headset
Callan [US 6,301,490] Audio headset communication apparatus and method
EP [1 267 523 A1] Extended user interface in a wireless headset
JP [2003219492 A] Headphone audio player
DE [100 05 007 A1] Hands free set for mobile phone uses Bluetooth link
Per Erik Svensson Bluetooth usage models, Bluetooth Developers Conference,
December 6, 1999

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Sujatha Sharma
January 22, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER